

UNITED STATES DISTRICT COURT
for the
Southern District of Ohio

United States of America

v.

Justin Robert Foley
1934 Ashburn Drive
Delaware, Ohio 43015

)
)
)
)
)

Case No. 2:22-mj-731

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 2018 - September 2022 in the county of Franklin in the
Southern District of Ohio, the defendant(s) violated:

Code Section

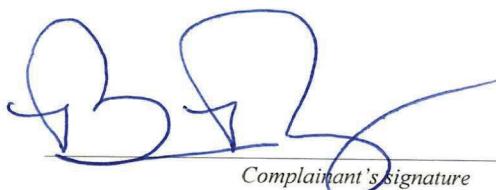
Offense Description

| | |
|--------------------------------|---|
| 18 U.S.C. 2251(a) | Sexual Exploitation of a Minor: use of a minor engaged in sexually explicit conduct for the purpose of producing a visual depiction of such conduct |
| 18 U.S.C. 2252(a) and 2252A(a) | Distribution, Receipt, and Possession of child pornography/visual depictions of minors engaged in sexually explicit activity |

This criminal complaint is based on these facts:

See attached affidavit incorporated herein by reference

Continued on the attached sheet.



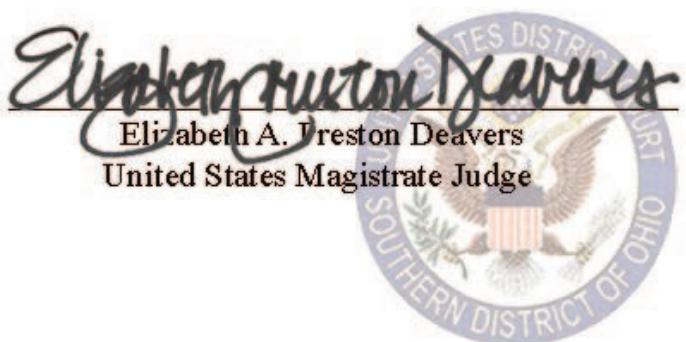
Complainant's signature

FBI TFO Brett Peachey
Printed name and title

Sworn to before me and signed in my presence.
Via FaceTime

Date: November 8, 2022

City and state: Columbus, Ohio



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In the matter of:

| | | | |
|---------------------------------|---|-------------------------|--------------------|
| United States of America | : | Case No.: | 2:22-mj-731 |
| v. | : | | |
| Justin Robert Foley | : | | |
| 1934 Ashburn Drive | : | Magistrate Judge | |
| Delaware, Ohio 43015 | : | | |

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Brett M. Peachey, a Task Force Officer with the Federal Bureau of Investigation (“FBI”), Columbus Resident Agency, being first duly sworn, hereby depose and state as follows:

1. I, Task Force Officer (TFO) Brett Peachey (your affiant), make this affidavit in support of a criminal complaint to arrest Justin Robert FOLEY (“FOLEY”) for violations of Title 18 United States Code §§ 2251(a), 2252(a), and 2252A(a) – the Sexual Exploitation of a Minor and the Distribution, Receipt, and Possession of Child Pornography. The statements contained in this affidavit are based in part on information and analysis provided by law enforcement agents, written reports that I have received and your affiant’s personal knowledge and findings during the investigation. Your affiant did not withhold any information or evidence that would negate probable cause. Since this affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant, your affiant did not include each and every fact known concerning this investigation. Your affiant set forth only the facts that are believed to be necessary to establish probable cause that FOLEY committed the violations listed above.
2. Your affiant has been employed as a police officer for the Westerville Police Department since December of 1995. Since March of 2008, your affiant has been assigned to the Child Exploitation and Human Trafficking Task Force of the Federal Bureau of Investigation, Cincinnati Division, Columbus Resident Agency, conducting online child enticement and child pornography investigations. Your affiant is also a member of the Franklin County Internet Crimes Against Children Task Force in Columbus, Ohio investigating similar crimes. Your affiant has gained experience through a Bachelor of Arts Degree in Criminology and has received specialized training in the area of internet crimes involving child exploitation, child pornography investigations and computer forensics. Your affiant has been involved in hundreds of investigations involving internet crimes against children, resulting in dozens of felony arrests and convictions. As a Task Force Officer with the FBI, your affiant is authorized to investigate violations of the laws of the United States under the authority of the United States.

FACTS SUPPORTING PROBABLE CAUSE

3. On August 16, 2022, the Delaware Police Department in Delaware, Ohio were provided a National Center for Missing and Exploited Children (NCMEC) CyberTip report. This CyberTip report, received by NCMEC on June 21, 2022, had been submitted by Google, Inc and regarding approximately forty-six images of apparent child pornography that were uploaded by the Google email account NastyBoyReginald@gmail.com. The images generally depicted prepubescent females posing in lingerie and engaged in lascivious display of their genitalia. Google provided the following additional information associated with the email address NastyBoyReginald@gmail.com:

| | |
|---------------|------------------|
| User Name: | Reginald Punnett |
| Phone Number: | 6142661998 |
| DOB: | 08/13/85 |

In addition to the above information, multiple IP address logins for the email account were provided between the date ranges of October 27, 2021 and June 16, 2022.

4. On June 17, 2022, the date one of the images listed in the CyberTip was uploaded, the Gmail account user had been utilizing IP address 2603:6011:b522:c435:8d10:d491:d2d7:b090, which was resolved to Spectrum/Charter Communications. Legal process was served upon Spectrum/Charter Communications requesting account information for that same IP address and on August 11, 2022, Spectrum/Charter Communications responded with the following information:

| | |
|---------------|---------------------------------|
| Name: | Jamie Foley |
| Address: | 1934 Ashburn Drive ¹ |
| | Delaware, OH 43015 |
| Phone Number: | 614-266-1998 |

5. During the investigation into the original NCMEC CyberTip report, members of the Delaware Police Department discovered a second CyberTip report had also been generated by Google, Inc. This second CyberTip report related to approximately thirteen images of apparent child pornography which had been uploaded by email account jfoleyscience@gmail.com. The images depicted the same, if not similar, images which were described in the original CyberTip. Google, Inc. provided multiple IP address logins for the account between September 26, 2021 and June 16, 2022 in addition to the following information associated with the email address:

| | |
|---------------|---------------------------|
| Name: | Justin Foley |
| Phone Number: | 6142661998 and 7245574451 |

¹ Open-source data searches via the Delaware County Auditor's website identified the owners of this property to be Justin R. and Jamie M. Foley.

6. The last IP address provided in the second CyberTip report and utilized to log in to the email account jfoleyscience@gmail.com was 2603:6011:b522:c435:8d10:d491:d2d7:b090. Your affiant would note that this is the same IP address that had been identified in the first CyberTip which belonged to Jamie and Justin Foley at 1934 Ashburn Drive, Delaware, OH 43015. In addition, five other IP addresses in second CyberTip report were identified as belonging to Columbus Public Schools.
7. Further investigation and open-source database checks revealed that Justin FOLEY was employed at the Columbus Alternative High School as a teacher at the school.
8. On August 19, 2022, law enforcement obtained search warrants from Google, Inc. for the contents of the accounts associated with email addresses NastyBoyReginald@gmail.com and jfoleyscience@gmail.com. A review of the data provided by Google in response to the warrants revealed numerous media files depicting child sexual abuse material, including the files that had been flagged by the NCMEC when they were uploaded to the respective Gmail accounts. In addition, the jfoleyscience@gmail.com account also included documents belonging to FOLEY, multiple family photos which depicted FOLEY and his relatives, and the Gmail account nastyboyreginald@gmail.com which was found saved under his contacts.
9. Further review of the content of the NastyBoyReginald@gmail.com account revealed numerous videos that were voyeuristic in nature, and which appeared to be self-produced. The videos appeared to have been recorded at local department stores in the central Ohio area, in downtown public areas of Delaware, Ohio, and in dressing rooms with either hidden cameras and/or a concealed cell phone camera. The videos generally depicted females of various ages that appeared to be unaware they were being recorded. Your affiant would note that the camera angle and proximity of the camera to the female depicted further indicated that the recording devices used to create these videos was concealed and that the females depicted in them lacked knowledge that any recording was taking place. Multiple videos were individually titled in a manner reflective of the content, including, for example, abbreviations for the store in which the video was recorded, descriptions/type of lingerie the females were wearing at the time, and race of females. Some of the recovered videos that were taken were identified as “upskirt” videos of females in various stages of nudity who appeared to be in dressing rooms.
10. Your affiant would note that some of the videos recovered from the NastyBoyReginald@gmail.com account also appeared to have been taken in a school setting. More specifically, numerous recovered videos in the school setting depicted recording which attempted to film up the skirts or shorts of teenage, pubescent females. At the time of the investigation, FOLEY was actively employed as a chemistry teacher at the Columbus Alternative High School.
11. On September 20, 2022, a search warrant was executed at FOLEY’s residence in Delaware, Ohio. FOLEY was present at the time of the warrant and was interviewed by law enforcement on the scene. During that conversation, FOLEY acknowledged

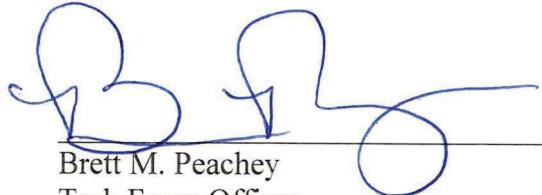
utilizing the NastyBoyReginald@gmail.com and jfoleyscience@gmail.com email accounts and reported he thought both accounts had been shut down by Google, Inc because of an inappropriate photo set of a young-looking models he received from a file sharing link online. FOLEY also admitted to creating voyeuristic recordings of females, including attempts to record up the skirts of females in public settings and dressing rooms at local stores. FOLEY later admitted to creating similar voyeuristic videos in the classroom and hallways of the school he taught at which depicted female students who attended the school, further indicating that he had created some of these videos as recently as the previous week. FOLEY added that these videos would be on his current iPhone, as well as several laptop computers and an external hard drive located in his bedroom.

12. During the search warrant execution, investigators seized one external hard drive, two cell phones, and two laptops. A forensic examination of FOLEY's iPhone and external hard drive pursuant to that warrant yielded tens of thousands of videos and images, specifically screenshots of videos which depicted FOLEY utilizing his cell phone to capture videos of female genitalia under the victims' skirts and shorts. In addition, numerous files were recovered which depicted FOLEY surreptitiously recording females in several dressing rooms where the females depicted were changing clothes. These videos were consistent with FOLEY's admissions and with videos located in the NastyBoyReginald@gmail.com Google account. In addition, thousands of videos and screenshots on FOLEY's iPhone were recovered where FOLEY utilized his cell phone to record up unsuspecting females' skirts and shorts in the classroom and hallways of Columbus Alternative High School during his employment.
13. Upon further review of the photos and videos recovered from FOLEY's phone and external hard drive, investigators discovered FOLEY created screenshots from some of the surreptitious "upskirt" recordings. Most of these screenshots were zoomed-in images of the genital area of the females. FOLEY then appeared to "lighten" some of those zoomed-in screenshots to get a better view of the genital area of the females.
14. More specifically, law enforcement recovered three videos of Jane Doe One, an approximately 15-year-old female, in which the camera is placed beside or behind Jane Doe One in the school hallway, in an attempt to record video up her skirt. Investigators located two videos in which the camera is following Jane Doe One into a classroom while attempting to record video up her skirt. In one of the videos, Jane Doe One is depicted bending over just as FOLEY is walking behind her and recording. The resulting video depicts the exposed, nude genitalia of Jane Doe One outside of her underwear. After filming these videos of Jane Doe One, FOLEY took approximately 54 screenshots from the videos, 20 of which depict Jane Doe One bent over. In addition, images of Jane Doe Ones exposed genitalia were zoomed in on and "lightened" by FOLEY.
15. In a subsequent interview with Jane Doe One, occurring on October 2, 2022, Jane Doe One positively identified herself in the videos and advised that she left Columbus Alternative High School after her sophomore year and believed that she had been a

freshman at the time that the videos were taken. Jane Doe One was born in March of 2003 and the images have a last modified dates ranging from June 3- June 10, 2018, further confirming she was a minor at the time the videos and images were taken.

16. In addition, investigators located four videos which depict Jane Doe Two, an approximately 15-year-old female, standing at a desk within the high school with several other female students. At the time, Jane Doe Two is depicted wearing shorts which reveal a portion of her buttocks. The videos depict FOLEY walking behind Jane Doe Two several times, recording her from different angles including low close up and from behind. FOLEY then attempted to record up Jane Doe Two's shorts in the vaginal area. Investigators located three more videos in which Jane Doe Two is wearing the same shorts described above. The camera is positioned in front of the desk that Jane Doe Two is seated, at an angle where her legs and genital area are the focus of the video.
17. Further review of the devices revealed three additional videos in which Jane Doe Two is depicted wearing a knee length skirt. The camera recording her is positioned in front of the desk that she is sitting at an angle where her legs and genitals are the focus of the video. In two of the videos, Jane Doe Two's legs are spread slightly, and the camera angle captures her genital area up her skirt. After filming these videos of Jane Doe Two, FOLEY took dozens of screenshots from the videos, appearing to attempt to find the best frame for when the genitalia of Jane Doe Two was most visible. FOLEY then "zoomed in" on the screenshots he took of Jane Doe Two so that her buttocks or genital area encompassed the entire photograph.
18. During the course of the investigation, your affiant was able to identify Jane Doe Two as an active sophomore student at Columbus Alternative High School, born in May of 2007. The images depicting Jane Doe Two have a last modified dates of late August through early September of 2022 further confirming she was a minor at the time the videos and images were taken.
19. In addition to the above-described images and videos, over one thousand images of child sexual abuse material were recovered from FOLEY's iPhone which depicted a series of images of prepubescent females in various stages of nudity or fully nude engaged in the lascivious display of their genitalia or anus. Your affiant is familiar with these images as previously been identified as child sexual abuse material based on his training and experience in conjunction with other investigations he has completed.

20. Based upon the above information, your affiant submits that there is probable cause to believe Justin Robert FOLEY has committed violations of Title 18 United States Code §§ 2251(a), 2252(a), and 2252A(a) – the Sexual Exploitation of a Minor and the Distribution, Receipt, and Possession of Child Pornography. Therefore, your affiant respectfully requests this court to issue a criminal complaint and arrest warrant.

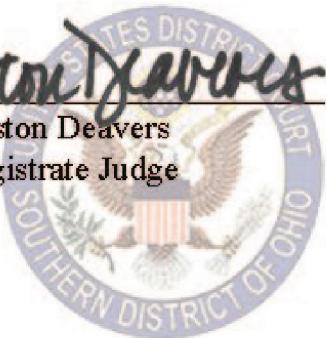


Brett M. Peachey
Task Force Officer
Federal Bureau of Investigation

Sworn to and subscribed before me this 8th day of November, 2022.



Elizabeth A. Preston Deavers
United States Magistrate Judge



of Ohio